



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

Joseph W. Reardon
Assistant Commissioner
for Consumer Protection

Douglas Meckes, DVM
State Veterinarian

October 15, 2020

Abegale Brown
3513 Heather Lane
Gastonia, NC 28056

Re: Compliance with NC General Statutes §§ 19A-26 and 19A-28

Dear Ms. Brown:

The Animal Welfare Section ("AWS") of the North Carolina Department of Agriculture and Consumer Services ("NCDA&CS") opened an investigation into the potential operation of a licensed boarding kennel located at 3513 Heather Lane, Gastonia, NC.

On October 6, 2020, Animal Health Technician Jay Blatche ("Inspector Blatche") attempted to conduct a site visit at this location. You informed Inspector Blatche that you had been boarding and providing dog daycare service. You further explained that you had just discontinued these operations subsequent to a visit from Gaston County Code Enforcement.

During the conversation with Inspector Blatche you stated that some of the dogs that he heard barking within the residence were foster dogs for a rescue out of Tennessee. This letter is to inform you that if you assist with the operation of an animal shelter and/or house a total of more than 9 rescue animals as your own rescue and/or as a foster care provider for another organization(s), then this location is subject to the NC Animal Welfare Act and its associated rules and must register as an animal shelter.

If you decide to conduct and/or assist in the operations as an animal shelter such as housing unwanted, stray or rescue animals, before housing any such dogs or cats, you must obtain a valid AWS animal shelter registration. To initiate the process to become registered as an animal shelter, you must complete the animal shelter registration application. If you need a copy of the application form, it can be found on the AWS website at the following link: http://www.ncagr.gov/vet/aws/documents/Shelter_App_.pdf

Failure to abide by this directive shall be considered willful disregard or violation of the NC Animal Welfare Act and the rules issued pursuant thereto. Under NC General Statute § 19A-40, violation of the

NC Animal Welfare Act and the rules issued pursuant thereto may result in the assessment of a civil penalty of up to \$5,000.00 per violation.

In addition, should you decide to resume the provision of boarding and/or dog day care services, you must first obtain a boarding kennel license from AWS. To initiate this licensing process, you must complete the boarding kennel application and submit it along with the \$75.00 licensing fee to AWS. The boarding kennel license application can also be found on the AWS website at the following link:

http://www.ncagr.gov/vet/aws/documents/Boarding_App.pdf.

Pursuant to NC General Statute § 19A-33, operation of a boarding kennel without a currently valid license shall constitute a Class 3 misdemeanor subject to a fine and each day of operation shall constitute a separate offense. In addition, operation of a boarding kennel without a valid license shall be considered willful disregard or violation of the NC Animal Welfare Act and the rules issued pursuant thereto. Under NC General Statute § 19A-40, violation of the NC Animal Welfare Act and the rules issued pursuant thereto may result in the assessment of a civil penalty of up to \$5,000.00 per violation.

Your immediate attention to this matter is appreciated.

Sincerely,



Patricia Norris, DVM, MS
Director, Animal Welfare Section
Veterinary Division, NCDA&CS

cc:

Dr. R. Douglas Meckes, DVM, State Veterinarian, NCDA&CS
Joseph Reardon, Assistant Commissioner, NCDA&CS
Tina Hlabse, General Counsel, NCDA&CS
Christopher McLennan, Assistant Attorney General

Appendix

RELEVANT LAWS AND REGULATIONS

§ 19A-26. Certificate of registration required for animal shelter.

No person shall operate an animal shelter unless a certificate of registration for such animal shelter shall have been granted by the Director. Application for such certificate shall be made in the manner provided by the Director. No fee shall be required for such application or certificate. Certificates of registration shall be valid for a period of one year or until suspended or revoked and may be renewed for like periods upon application in the manner provided.

§ 19A-28. License required for public auction or boarding kennel.

No person shall operate a public auction or a boarding kennel unless a license to operate such establishment shall have been granted by the Director. Application for such license shall be made in the manner provided by the Director. The license period shall be the fiscal year and the license fee shall be seventy-five dollars (\$75.00) for each license period or part thereof beginning with the first day of the fiscal year.

§ 19A-33. Penalty for operation of pet shop, kennel or auction without license.

Operation of a pet shop, kennel, or public auction without a currently valid license shall constitute a Class 3 misdemeanor subject only to a penalty of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00), and each day of operation shall constitute a separate offense.

§ 19A-40. Civil Penalties.

The Director may assess a civil penalty of not more than five thousand dollars (\$5,000) against any person who violates a provision of this Article or any rule promulgated thereunder. In determining the amount of the penalty, the Director shall consider the degree and extent of harm caused by the violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.